

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 39

October 22, 2008

SUBJECT: CLARIFICATION OF DEPARTMENT POLICY RELATED TO CONFISCATION AND RELEASE OF CITY-OWNED FIREARM(S) AND DEPARTMENT-ISSUED AMMUNITION

PURPOSE: This Order clarifies Department policy related to confiscation and release of City-owned firearm(s) and Department-issued ammunition. This Order also identifies and designates the specific Department employees responsible for confiscating and returning City-owned firearm(s) and Department-issued ammunition.

PROCEDURE:

I. DEPARTMENT MANUAL SECTION 3/838.20, DEPARTMENT EMPLOYEES WITH CRIMINAL CONVICTION INVOLVING DOMESTIC VIOLENCE - EMPLOYEE NOTIFICATION, SHALL BE REVISED AS INDICATED:

A. Commanding Officer. The commanding officer shall:

- * Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

B. Bureau Commanding Officer. The bureau commanding officer shall:

- * Upon receiving a request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management Group, etc.) prior to granting written approval.

The remainder of the section remains unchanged.

II. DEPARTMENT MANUAL SECTION 3/838.30, DEPARTMENT EMPLOYEES WITH CRIMINAL CONVICTION INVOLVING DOMESTIC VIOLENCE - ADMINISTRATIVE INVESTIGATION, SHALL BE REVISED AS INDICATED:

A. Commanding Officer. The commanding officer shall:

- * Retrieve all City-owned firearm(s) and Department-issued ammunition in the employee's possession; and,
- * Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

The following "Note" shall be deleted from the Commanding Officer's Responsibilities:

Note: The Commanding Officer, Internal Affairs Group shall approve the release of the retrieved City-owned firearm(s) and Department-issued ammunition.

B. Professional Standards Bureau. The following shall be deleted from the Internal Affairs Group - Responsibilities:

- * Review and approve all requests for the return of City-owned firearm(s) and Department-approved ammunition.

C. Bureau Commanding Officer. The bureau commanding officer shall:

- * Upon receiving a request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management Group, etc.) prior to granting written approval.

The remainder of the section remains unchanged.

III. DEPARTMENT MANUAL SECTION 3/838.40, EMPLOYEES NAMED ON PROTECTIVE ORDERS RESTRICTING OWNERSHIP AND CONTROL OF FIREARMS, SHALL BE REVISED AS INDICATED:

A. Commanding Officer. The commanding officer shall:

- * Obtain written approval from the concerned bureau commanding officer prior to releasing

City-owned firearm(s) and Department-issued ammunition to the concerned employee.

B. Bureau Commanding Officer. The bureau commanding officer shall:

- * Upon receiving a request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management Group, etc.) prior to granting written approval.

The remainder of the section remains unchanged.

IV. DEPARTMENT MANUAL SECTION 3/838.50, EXPUNGEMENT OR SET-ASIDE HEARING TO RESTORE THE ABILITY TO CARRY A FIREARM, SHALL BE REVISED AS INDICATED:

When an employee petitions to restore his/her ability to carry a firearm via an expungement or set-aside hearing, the concerned bureau commanding officer, or his/her designee, shall be the only person authorized to state the Department's position relative to the restoration.

Any Department employee served with a subpoena to appear in court at an expungement or set-aside hearing in which the Department's position is to be stated, shall comply with the subpoena and shall confer with the concerned bureau commanding officer, or his/her designee, prior to the proceeding. Any Department employee asked to state the Department's position relative to restoring an employee's ability to carry a firearm shall not state a position, but shall refer the issue to the concerned bureau commanding officer or his/her designee.

The concerned bureau commanding officer, or his/her designee, shall approve the release of the City-owned firearm(s) and Department-issued ammunition in writing.

Note: The bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral

Science Services, Risk Management Group, etc.) prior to granting written approval.

V. DEPARTMENT MANUAL SECTION 3/840.20, INACTIVE DUTY - ASSIGNING OFFICER'S DUTIES, SHALL BE REVISED AS INDICATED:

A. Commanding Officer. The commanding officer shall:

- * Ensure all City-owned firearm(s) and Department-issued ammunition in the employee's possession are retrieved; and,
- * Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

B. Bureau Commanding Officer. The bureau commanding officer shall:

- * Upon receiving the request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management Group, etc.) prior to granting written approval.

The remainder of the section remains unchanged.

VI. DEPARTMENT MANUAL SECTION 3/860.30, SUSPENDED EMPLOYEE RETURN TO DUTY, SHALL BE REVISED AS INDICATED:

A. Commanding Officer. The commanding officer shall:

- * Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

B. Bureau Commanding Officer. The bureau commanding officer shall:

- * Upon receiving the request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral

Science Services, Risk Management Group, etc.) prior to granting written approval.

The remainder of the section remains unchanged.

VII. DEPARTMENT MANUAL SECTION 3/870.30, ADJUDICATION OF SUSTAINED COMPLAINTS, SHALL BE REVISED AS INDICATED:

The "Note" Section shall be revised as follows:

When, in the commanding officer's opinion, a reserve officer should be excused from duty pending an investigation of misconduct or is placed on Inactive Reserve status, the commanding officer shall take custody of the reserve officer's City-owned firearm(s), Department-issued ammunition, Department identification card, and badge. The commanding officer shall obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s), Department-issued ammunition, Department identification card, and badge to the reserve officer.

The commanding officer shall have the authority to release the reserve officer's City-owned firearm(s), Department-issued ammunition, Department identification card, and badge if the reserve officer was placed on Inactive Reserve status for reasons not related to misconduct.

A. Bureau Commanding Officer. The bureau commanding officer shall:

- * Upon receiving the request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, shall confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, or Risk Management Group, etc.) prior to granting written approval.

The remainder of the section remains unchanged.

AMENDMENT: This Order amends Department Manual Sections 3/838.20, 3/838.30, 3/838.40, 3/838.50, 3/840.20, 3/860.30, and 3/870.30.

October 22, 2008

AUDIT RESPONSIBILITY: The concerned bureau commanding officer shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

A handwritten signature in black ink, appearing to read "William J. Bratton". The signature is fluid and cursive, with a large, oval-shaped flourish extending from the end of the last name towards the bottom right.

WILLIAM J. BRATTON
Chief of Police

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